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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,341	02/12/2004	William Thomas Lipsey III	A03081US (98762.1)	4934
22920	7590	10/18/2005		
GARVEY SMITH NEHRBASS & DOODY, LLC THREE LAKEWAY CENTER 3838 NORTH CAUSEWAY BLVD., SUITE 3290 METAIRIE, LA 70002			EXAMINER LUM VANNUCCI, LEE SIN YEE	
			ART UNIT 3611	PAPER NUMBER

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/777,341

Applicant(s)

LIPSEY, WILLIAM THOMAS

Examiner

Lee Lum

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 27-37 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-11 and 25 is/are allowed.
- 6) ☒ Claim(s) 12-24, 26,38-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. An Election was filed 7/28/05 in which Species I, Figs 1-8, were elected apparently without traverse. Claims 1, 3-26 and 38-52 read on this species. Therefore, Claims 2 and 27-37 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species.

Upon reconsideration, it is also noted that the following Claims are generic:  
12, 15-21, 24, 25, 38, 41-50 and 52.

2. The following Claims are objected to because of following issues:

In Claim 2, the dependency should originate from Claim 1, instead of "Claim 2".

In Claims 17 and 43, the dependency should originate from Claim 16/44, respectively. However, if each dependency is correct, then "beam" lacks antecedent basis.

Re the lack of antecedent basis:

in Claim 1, In 11, 14 – left side, In 12, 15 – right side,  
in Claims 8-10, 14, 19-21, 45-47 – periphery,  
in Claim 16 – axle,  
in Claims 25, 26, 51, 52 – axle pivotal connections,  
in Claim 38 – axle support.

3. The Specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The subject matter described in Claims 3, 13, 14, 28, 29, 39 and 40, is not provided in the Spec; namely, "both supports (Claim 3), or at least one wheel (remaining Claims), extend beyond the periphery of the chassis". Amendments to the Spec should be made to correct this situation.

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4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1, 3-11, 22 and 48** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 1, "front/rear support" and "axle" appear to be one and the same; a single element name should be selected for each different component.

The same situation exists in Claims 22 and 48, with "carriage/carriages" used instead of "trailer/trailers", as used in preceding and subsequent claims.

Amendment is required for these issues.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 12, 15-22, 25 and 26** are rejected under 35 U.S.C. 102(b) as being anticipated by Shimoji et al 3637236.

Shimoji discloses a trailer train (fig 8) comprising

Train including plurality of trailers 10,

Each trailer having a rectangular chassis 11, wheels 12 attached with front and rear steerable supports 13, steerable via levers 15,

Each support comprising beam, and attached to its chassis at axle connection 13,

The trailers connected end-to-end at trailer pivots (unidentified in c1, ln 45-46),

The axle connections being parallel to the trailer pivots (fig 8),

Links 14 connecting between supports, each link rotating adjacent supports in opposite directions, and,

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Two trailers at opposing ends of the plurality having towing tongues 16, each tongue connected to an axle (c1, in 56-59).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**A. Claims 13 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimoji in view of Voight 4382607.

Shimoji does not disclose at least one wheel extending beyond the periphery of the chassis, while Voight shows this configuration in fig 1. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this arrangement, as shown in Voight, to increase the axle area over which the load is distributed, thus aid in safe transport of the cargo. This feature also increases the wheelbase, which aids in the stability of the vehicle.

**B. Claims 23, 24 and 38-52** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimoji in view of Ellerd 3290058.

Shimoji does not disclose a wheelless trailer mounted between two trailers. Ellerd, in figs 1 and 2, suggests this arrangement; i.e., trailer B does not require axles/wheels since end carriages A and A' are fully supportive. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this configuration, as suggested in Ellerd, to decrease weight by eliminating a pair of axles on an additional deck, yet still accommodating a full load, thus increase performance for decreased costs.

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7. **Claims 1, 3-11 and 25 are allowable**, upon resolution of any 112 rejections, and objections, because prior art does not disclose the train described above further comprising, *inter alia*,

links attaching the trailers, including a *first link* attaching the left side of a first trailer's axle to the right side of a second, adjacent trailer's axle, and a *second link* attaching the left side of a third trailer's axle to the right side of the second trailer's axle.

8. The prior art found pertinent to the disclosure, but not relied upon, includes:

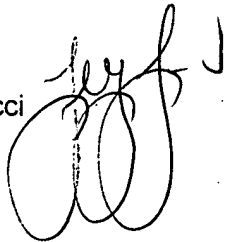
Picard 5700023, Daenens et al 4935726, Lapham 3820811, Duerksen 3806160, Ishizuka 3337234, March 3294417.


9. **Communication with the Examiner/USPTO**

Any inquiry concerning this communication, or others, should be directed to Ms. Lum at 571 272 6649, M-F, 9-5. If she can't be reached, her supervisor, Ms. Lesley Morris, may be reached at 571 272 6651. Our fax number is 571 273 8300.

Information re the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) System as follows: for unpublished apps - private PAIR only, for published apps - private or public PAIR. For more info on PAIR - <http://pair-direct.uspto.gov>. For more info on private PAIR - call the Electronic Business Center at 866 217 9197.

Ms. Lee Lum-Vannucci  
Examiner  
9/29/05



  
**LESLEY D. MORRIS**  
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